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CIA Information Withheld From Hill, Turner Testifies

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CIA Director Stansfield Turner said yesterday that the administration has been holding back more information from the Senate and House intelligence committees than its members previously suspected and that the White House intends to continue the practice.

Testifying before the Senate committee on a proposed legislative charter for the CIA, Turner assailed a provision that would require advance notice to Congress of all "significant" intelligence activities as "unnecessary, improper and unwise."

He also voiced strong opposition to more than half a dozen sections of the Senate proposal, including one that would entitle the two intelligence committees to whatever after-the-fact information they deem necessary for proper oversight of the U.S. intelligence community.

Sen. Birch Bayh (D-Ind.), the committee chairman, expressed surprise at the breadth of the administration's complaints.

Sen. Walter D. Huddleston (D-Ky.), who has spent several years in an effort to reach agreement with the CIA and the White House, said he feared that their bluntly stated position could jeopardize the measure.

Several committee members said they had been under the impression that the administration has been notifying them in advance of all covert actions and other significant undertakings—with one exception—since President Carter took office.

"That is not correct," Turner told them. He did not elaborate, saying that, "We are on the dangerous

ground of a public forum." But he indicated that information had been withheld more than once, in cases where he and the president felt that advance notice to the intelligence committees might jeopardize the lives of the agent or agents involved.

Under questioning by Sen. Adlai E. Stevenson (D-Ill.), the CIA director acknowledged that he had testified at his confirmation hearing in 1977 that he expected "no difficulty" in complying with an advance-notice requirement embodied in Senate Resolution 400, which created the Senate panel.

But the resolution does not have the force of law, and Turner insisted that he had never "endorsed" it. He told Stevenson that he had said only that he would have no difficulty "in trying to comply with it," and not that he had promised to do so.

Turner maintained that Carter is still strongly committed to enactment of a legislative charter for the CIA and the rest of the U.S. intelligence community, but Turner followed up with what amounted to a gloomy assessment of its prospects.

"This is, as we all know, a short legislative year," he told the senators, "and there is some question as to whether both houses of the Congress will be able to take up and pass the charter even if all the outstanding differences between this committee and the administration can be settled quickly."

Offering one concession after another, Huddleston said he thought that most of the disagreements could be resolved. For example, he said he thought there would be no problem in cutting back the Freedom of Information Act even further than the

Senate committee has been planning. The CIA has been seeking a virtual blanket exemption from the Freedom of Information Act for its operational and technical files, but Turner said the administration wants similar "relief" for the National Security Agency, the FBI "and other intelligence agency components."

"An area of even more serious concern," he added, is a provision in the Senate proposal that would make unauthorized disclosure of the names of CIA operatives a crime only for people, such as former CIA officers, who have authorized access to such information. The CIA wants criminal penalties also made applicable to outsiders, such as journalists.

Huddleston said he hoped some accommodation could be reached in this area, too. But he said he thought the issues of prior notice and guaranteed access to intelligence agency information "crucial" to proper congressional supervision.

Turner indicated that the White House does not intend to relent on either point. "I believe the president feels very firmly about these two issues," he told the committee.

Huddleston pointedly noted that CIA Deputy Director Frank Carlucci, in testimony Wednesday before a House subcommittee, had argued that the CIA should not be held to the full rigors of the Freedom of Information Act, since it was already supplying the two congressional intelligence committees "with whatever information they need" to guard against abuses.

"Do you disagree with that?" Huddleston asked the CIA director.

"No," Turner replied.

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